

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUAN MONSALVE,

Plaintiff,

-against-

04 Civ. 7312 (LAK)

UNITED STATES OF AMERICA, et al.,

Defendants.

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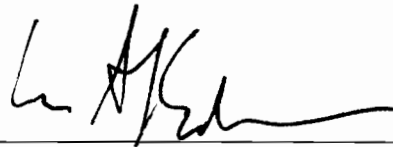
**ORDER**

LEWIS A. KAPLAN, *District Judge.*

Magistrate Judge Freeman's reports and recommendations, dated October 24 and 27, 2008, are hereby adopted. Plaintiff may move, on or before January 14, 2009, for leave to file a second amended complaint. Defendants' pending motion to dismiss the amended complaint is denied without prejudice to renewal should plaintiff fail to move for leave to file a second amended complaint or, if plaintiff does move, should the Court deny that motion.

SO ORDERED.

Dated: December 15, 2008



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Lewis A. Kaplan  
United States District Judge

